



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NPL-US-8-16

JUN 11 1990

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

Mr. H. J. Corbett  
Senior Vice President  
Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, Missouri 63167

Dear Mr. Corbett:

I appreciate your thoughtful letter of March 21, 1990, concerning the Monsanto Chemical Co. plant in Soda Springs, Idaho, and the National Priorities List (NPL) process in general. The Monsanto Soda Springs site was proposed to the NPL on May 5, 1989 (54 FR 19526). I understand that you have a number of concerns relating to implications of NPL listing, and I would like to provide some information relevant to the overall listing issue in this letter. I would also like to respond more specifically to your concern about the Soda Springs site, and assure you that we will give this question careful consideration as you urge.

Your letter presented two concerns arising out of a previous February 26, 1990 letter relating to the site from Mary Gade, Deputy Assistant Administrator. First, you objected to her statement that the primary purpose of the NPL is informational, and stated your belief that EPA underestimates the impact of listing sites on the NPL. Second, you indicated that EPA, by listing sites which shouldn't be listed, fails to adequately prioritize resources. You indicated that money is not being spent to remediate sites, but rather is being spent on the procedural requirements of meeting the deletion criteria.

EPA's view that the primary purpose of the NPL is informational comes from the legislative history of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96-848, 96th Cong., 2d Sess. 60 (1980), which states:

The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator,

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it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

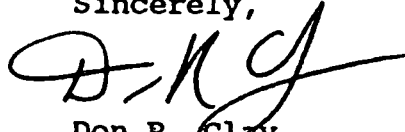
EPA's actions should be and, I believe, are consistent with this stated purpose. We recognize, of course, that the NPL serves other purposes as well; as you note, it is used in setting EPA's remedial priorities. I do not think, however, that viewing it as continuing to serve an informational purpose is naive.

Concerning your second point, EPA attempts to make the best decision it can in identifying "priority" releases. In doing so, it uses the Hazard Ranking System model, and evaluations of sites must follow the provisions of this model. Occasionally, sites have been placed on the NPL where more extensive study showed no further remedial action to be necessary. However, these sites represent a small minority of all sites which have been listed. EPA is willing to accept this result rather than not evaluate the vast majority of sites which do pose human health or environmental risks. I am sure you appreciate that EPA must balance the risk of listing a site that does not require remedial action against the risk of failing to list sites that do require such action. I do want to assure you that we are evaluating the information on the Soda Springs site very closely in order to ensure that the need for further response action does indeed exist.

Finally, you expressed concern about a site at which you felt substantial amounts were being spent merely to meet the procedural requirements for deletion. EPA believes that the costs associated with deleting a site from the NPL are not a result of procedural requirements, but rather are a result of the requirement to document that deletion is appropriate and the site does not pose a human health or environmental risk. Again, however, I plan to review the Soda Springs matter carefully in order to prevent an inappropriate listing in the first instance.

I appreciate your concerns with respect to the ramifications of the NPL listing, many of which go beyond the immediate needs of the Superfund program. I will make every appropriate effort to ensure that unnecessary impacts do not occur in this case. I thank you for your interest in the Superfund program and welcome any suggestions you have on making the deletion process run more efficiently.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Clay', with a stylized flourish extending from the end.

Don R. Clay  
Assistant Administrator